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EQUITY TRUST (JERSEY) LIMITED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OLIVER HILSEN RATH,

Plaintiff,

v.

EQUITY TRUST (JERSEY) LIMITED,  
CANOVER INVESTMENTS PLC, AND  
DOES 1-10,

Defendants.

CASE NO. C-07-4162 WHA

[PROPOSED] ORDER ON DEFENDANT  
EQUITY TRUST (JERSEY) LIMITED'S  
MOTION TO DISMISS COMPLAINT FOR  
IMPROPER VENUE, LACK OF PERSONAL  
JURISDICTION, INSUFFICIENCY OF  
SERVICE OF PROCESS, AND *FORUM NON  
CONVENIENS*

Date: October 18, 2007  
Time: 8:00 a.m.  
Place: Courtroom 9, 9<sup>th</sup> Floor  
Judge: Honorable William H. Alsup

Complaint Filed: August 14, 2007

The Motion to Dismiss submitted by defendant Equity Trust (Jersey) Limited ("ETJL") came on for hearing before this Court on October 18, 2007 at 8:00 a.m. before the Honorable William H. Alsup. Peter A. Wald, Esq. and Darius Ogloza, Esq. of Latham & Watkins LLP appeared for ETJL. The other parties were represented by their respective legal counsel, except for plaintiff who appeared *in pro per*.

1 After considering the papers and evidence submitted by the parties, and the  
2 arguments of counsel, the Court hereby GRANTS ETJL's motion and orders that this case be  
3 dismissed with prejudice as to ETJL pursuant to Federal Rule of Civil Procedure 12(b)(3) on the  
4 basis that venue in this court is improper pursuant to forum selection clauses set forth in the  
5 management agreement and settlement agreement, which are applicable to this case.  
6 Additionally, the Court finds that pursuant to Federal Rule of Civil Procedure 12(b)(2) and  
7 12(b)(4), the Court lacks personal jurisdiction over ETJL and service was defective. Further, the  
8 Court finds that dismissal is warranted under the doctrine of *forum non conveniens*.

9  
10 IT IS SO ORDERED.

11 Dated: \_\_\_\_\_

12 The Honorable William H. Alsup,  
13 Judge of the District Court  
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